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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,855	08/20/2001	Tetsuya Hara	401341	3543
23548	7590	02/24/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			CHAU, COREY P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,855

Applicant(s)

HARA, TETSUYA

Examiner

Corey P Chau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8-11 and 14 is/are rejected.
- 7) ☒ Claim(s) 4,7,12,13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Examiner as to what "that block" is referring to, on line 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, and 5 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5966385 to Fujii et al. (hereafter Fujii).
5. Regarding Claim 1, a best understood with regarding the 112, 2nd problem as mention above, Fujii discloses an audio decoding method comprising: receiving audio data including a plurality of coded sample data (i.e. receiving a group of packets having a plurality of multiplexed packet sets each containing video data and associated audio data compressed by compression codes) (column 4, lines 3-25; Claims 1, 7, 11, and 13); decoding the coded sample data (i.e. processor means for executing a process in

accordance with a predetermined program. second memory means having: (a) a work area for the predetermine program and (b) a decoding program and data used when decoding one or both of the video and audio data) (column 4, lines 3-25; Claims 1, 7, 11, and 13); grouping respective pluralities of the sample data, after decoding, into respective blocks; adding respective control information relating to attributes of the plurality of the sample data in a respective block to that block (i.e. the process including sequentially reading a packet from the first memory means, filtering packets containing a set of particular video and audio data and a control packet containing attribute information of the group of packets) (column 4, lines 3-25; Claims 1, 7, 11, and 13); temporarily storing the blocks (i.e. third memory means for storing the attribute information contained in the control packet) (Fig. 1; column 4, lines 3-25; Claims 1, 7, 11, and 13); and outputting the plurality of sample data of each block, that has been temporarily stored, based on the control information added to the respective block (i.e. external monitor includes a loudspeaker, the processor means executes the application programs, and supplies obtained audio data to the external monitor to reproduce the audio data from the loudspeaker)((column 4, lines 3-25; Claims 1, 7, 11, 13, and 15).

6. Claim 2 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos to Claim 1.

7. Regarding Claim 3, Fujii discloses decoding unit groups each plurality of sample data into a respective block in frame units (Fig. 4).

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8. Regarding Claim 5, Fujii discloses said decoding unit adds to the control information starting information that indicates sample data from which output control can be started (i.e. TS header).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6,8,9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5966385 to Fujii in view of U.S. Patent Application Publication No. 2003/0189879 to Ishii et al. (hereafter as Ishii).

11. Regarding Claims 6, 8, 9, and 11, Fujii discloses control packet containing attribute information of the group of packets, but does not expressly disclose said decoding unit adds, to the control information, channel information indicating number of channels that are to be output for each sample data; decoding unit adds, to the control information, information indicating a down sample; decoding unit adds, to the control information, length information indicating word length of data to be output; decoding unit adds, to the control information, length information indicating word length of data to be output when there are plurality of outputs; decoding unit adds, to the control information, channel information indicating formation of an output channel; or decoding unit adds, to the control information, distribution information indicating data distribution of said output

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unit. However it would have been obvious to one having ordinary skill in the art to provide the control information channel information indicating number of channels that are to be output for each sample data; the control information, information indicating a down sample; the control information, length information indicating word length of data to be output; the control information, length information indicating word length of data to be output when there are plurality of outputs; the control information, channel information indicating formation of an output channel; or the control information, distribution information indicating data distribution of said output unit in order to reproduce the audio data provided as taught by Ishii (Fig. 5; page 6, paragraph 0081; page 7, paragraph 085; page 11, paragraph 0135)

Response to Arguments

12. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

13. With respect to the applicant's arguments on page 7, stating that "any new rejection of claims 4 and 7 cannot properly be a final", have been noted. The Examiner however respectfully disagrees. There was a typographical error, wherein the claim rejection should have been the rejection of claims 2, 4, and 7. In addition, the Applicant's admitted prior art provides the same information as the U.S Patent No. 6243032 to Uramoto. As stated in the previous office action that Claim 2 is essentially similar to Claim 1 and was rejected for the same reasons stated above to Claim 1. Therefore, the rejection of Claim 1 is essentially a rejection of Claim 2.

Allowable Subject Matter

14. Claims 4, 7, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Feb. 22, 05


XU MEI
PRIMARY EXAMINER